IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)				
	Plaintiff,) 8:08CR268)		
	vs.) DETENTION ORDER		
JU	AN OROZCO-OSBALDO,	}		
	Defendant.	}		
A.	After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on July, 24, 2008, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	The Court's findings are based on the excontained in the Pretrial Services Report, X (1) Nature and circumstances of to the exconspiral distribute methamphets and services a minimum maximum of life impriso (Counts II-V) each call imprisonment. (b) The offense is a crime of the exconspiral distribute methamphets and the exconspiral distribute methamphets are distributed in the exconspiral distributed methamphets are distributed in the exconspiral distributed i	the offense charged: acy to distribute and possess with intent to amine (Count I) in violation of 21 U.S.C. § sentence of ten years imprisonment and a anment; the distribution of methamphetamine arry a maximum sentence of twenty years of violence.		
	may affect whenX			

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		he defendant has a prior record of failure to appear at
		ourt proceedings. e of the current arrest, the defendant was on:
		robation
		arole
		elease pending trial, sentence, appeal or completion of
		entence.
	(c) Other Fac	tors:
	<u>X</u> T	he defendant is an illegal alien and is subject to
		eportation.
		he defendant is a legal alien and will be subject to
		eportation if convicted.
		he Bureau of Immigration and Custom Enforcement
		BICE) has placed a detainer with the U.S. Marshal.
		ther:
X (4) The nature and seriousness of the danger posed by the defendant's		
		llows: The nature of the charges in the Indictment.
	10000 010 00 10	novo. The hatare of the charges in the maleuners.
X (5) <u>R</u>	ebuttable Pres	umptions
In determining that the defendant should be detained, the Court also relied		
		rebuttable presumption(s) contained in 18 U.S.C. §
		e Court finds the defendant has not rebutted:
<u>X</u>		condition or combination of conditions will reasonably
		appearance of the defendant as required and the safety
		er person and the community because the Court finds that
	the crime	
) A crime of violence; or 2) An offense for which the maximum penalty is life
	(2	imprisonment or death; or
	<u>X</u> (3	3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or
	(4	A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3)
		above, and the defendant has a prior conviction for
		one of the crimes mentioned in (1) through (3) above
		which is less than five years old and which was
	-	committed while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will reasona		
		appearance of the defendant as required and the safety
		nmunity because the Court finds that there is probable
	cause to b	
	<u>X</u> (1) That the defendant has committed a controlled substance violation which has a maximum penalty of
		10 years or more.
	(2	that the defendant has committed an offense under 18
	(2	U.S.C. § 924(c) (uses or carries a firearm during and
		in relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous
		weapon or device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 24, 2008.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge